

PROB 12B  
(7/93)

United States District Court

for

District of New Jersey

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing Is Attached)*

Name of Offender: Derek McKay

Cr.: 09-00210-001  
PACTS Number: 18520

Name of Sentencing Judicial Officer: HONORABLE JAMES R. SPENCER, USDJ - Eastern District of Virginia

Name of Assigned Judicial Officer: HONORABLE PETER G. SHERIDAN, USDJ - District of New Jersey

Date of Original Sentence: 06/30/98

Original Offense: Possession With Intent to Distribute Crack Cocaine

Original Sentence: 120 months imprisonment; 5 years supervised release.

VOSR Sentence: On June 16, 2009, sentence modified to include 7 months home confinement.

Type of Supervision: Supervised Release

Date Supervision Commenced: 04/11/06

PETITIONING THE COURT

To extend the term of supervision for \_\_\_\_\_ Years, for a total term of \_\_\_\_\_ Years.  
 To modify the conditions of supervision as follows. The addition of the following special condition(s):

The offender is to be confined to his residence for an additional period of 1 month commencing at the end of the home confinement term he is currently serving. The offender shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The offender shall wear an electronic monitoring device and follow electronic monitoring procedures. The offender shall permit the probation officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The offender shall comply with any other specific conditions of home confinement as the probation officer requires. The offender shall pay the costs of electronic monitoring, specifically \$3.18 per day.

PROB 12B - Page 2  
Derek McKay

**CAUSE**

McKay violated the conditions of his home confinement when he attempted to cut the electronic device from his ankle. McKay claims he cut the device when it became too tight. He did not provide a valid explanation as to why he did not notify the undersigned or Georgiann Emolo, home confinement analyst, so that the device could be adjusted.

Respectfully submitted,

*Denise Morales*

By: Denise Morales  
U.S. Probation Officer

Date: 11/05/09

*ZYL*

**THE COURT ORDERS:**

The Modification of Conditions as Noted Above  
 The Extension of Supervision as Noted Above  
 No Action  
 Other

*Rita Henderson*

Signature of Judicial Officer

12/21/09

Date

PROB 49  
(3/89)

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

The offender is to be confined to his residence for an additional period of 1 month commencing at the end of the home confinement term he is currently serving. The offender shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The offender shall wear an electronic monitoring device and follow electronic monitoring procedures. The offender shall permit the probation officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The offender shall comply with any other specific conditions of home confinement as the probation officer requires. The offender shall pay the costs of electronic monitoring, specifically \$3.18 per day.

Witness:

Denise Morales

U.S. Probation Officer  
Denise Morales

Signed:

Derek McKay  
Probationer or Supervised Release  
Derek McKay

11/5/09  
DATE